

REMARKS

Claims 1-32 are pending in the present Application. Claims 8 and 10-32 stand withdrawn as being directed to a non-elected invention.

Claims 1-7 and 9 have been rejected under 35 USC § 102(e) as being anticipated by Allen et al. (US 6,420,441). Applicants respectfully traverse.

The Allen et al. patent names as co-inventors Craig S. Allen, Nikoi Annan, Robert M. Blankenship, Michael K. Gallagher, Robert M. Gore, Angelo A. Lamola and Yujian You and is assigned to Shipley Company, L.L.C., the same assignee as in the present Application. The present Application names as co-inventors Robert M. Gore, Michael K. Gallagher and Yujian You, all of whom are also co-inventors of the '441 patent.

Submitted herewith is a declaration of Dr. Michael K. Gallagher, a co-inventor of both the '441 patent and the present Application. In his declaration, Dr. Gallagher states that the presently claimed invention was invented by himself, Robert M. Gore and Yujian You. The other co-inventors of the '441 patent (Drs. Allen, Annan, Blankenship and Lamola) contributed to the '441 patent in areas other than solution polymerization, such as in the areas of compositions suitable for porous materials, methods of preparing porous materials and the general concept of compatibilizing pore forming materials with a dielectric matrix. Thus, the polymerization process disclosed in Examples 1 and 2 of the '441 patent was not invented by Craig S. Allen, Nikoi Annan, Robert M. Blankenship and Angelo A. Lamola.

Accordingly, Applicants submit that the '441 patent is disqualified as prior art under 35 US § 102(e) as it is not an invention "by another". See MPEP § 2136. Applicants respectfully request that this rejection be withdrawn.

Applicants courteously request favorable consideration in the form of a notice of allowance.

Respectfully submitted,

A handwritten signature in cursive script that reads "S. Matthew Cairns".

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Date: September 17, 2003



Attorney Docket No. 50773

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:
Gore et al.

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Serial No.: 09/960,662

:

Filed: September 22, 2001

: Group Art Unit: 1713

For: POLYMER SYNTHESIS AND FILMS
THEREFROM

: Examiner: T. Zalukaeva

Commissioner for Patents
P.O.Box 1450
Alexandria, Virginia 22313-1450

DECLARATION UNDER 37 C.F.R. §1.132

I, Michael K. Gallagher declare and say that I am a resident of the United States. I am a co-inventor of claims 1-32 in the above-identified application (hereinafter "Application"). I personally performed and/or assisted in research leading to the invention.

I have recently read the Application and the Office Action dated June 18, 2003 ("Office Action") issued in the Application. As I understand it, all of the claims of the application have been rejected by the Examiner as anticipated by U.S. Patent No. 6,420,441, assigned to Shipley Company, L.L.C., Marlborough, Massachusetts, USA (hereinafter "the '441 Patent"). The co-inventors of the '441 Patent are Craig S. Allen, Nikoi Annan, Robert M. Blankenship, Michael K. Gallagher, Robert M. Gore, Angelo A. Lamola, and Yujian You. Of the above-listed co-inventors of the '441 Patent, Robert M. Gore, Michael K. Gallagher and Yujian You are named as co-inventors of the Application.

As I further understand it, in the noted rejection of the Application based on the '441 patent, the Examiner has relied on disclosure relating to solution polymerization, particularly

Examples 1 and 2 of the '441 Patent. That solution polymerization disclosure of the '441 patent represents work that was conceived and/or reduced to practice solely by myself, Robert M. Gore and Yujian You. The contributions of the additional co-inventors Craig S. Allen, Nikoi Annan, Robert M. Blankenship and Angelo A. Lamola to the '441 Patent were in areas other than solution polymerization, such as in the areas of compositions suitable for porous materials, methods of preparing porous materials and the general concept of compatibilizing pore forming materials with a dielectric matrix. I further declare that co-inventors Craig S. Allen, Nikoi Annan, Robert M. Blankenship and Angelo A. Lamola of the '441 Patent are not co-inventors of the Application.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title XVIII of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

September 17, 2003
Date

